

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELLIOTT INDUSTRIES LIMITED
PARTNERSHIP, a New Mexico
Limited Partnership,

Plaintiff,

vs.

Civ. No. 00-655 JC/WWD (ACE)

CONOCO INC., a Delaware
corporation, AMOCO PRODUCTION
COMPANY a Delaware corporation,
and AMOCO ENERGY TRADING
CORP., a Delaware corporation,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Motion to Compel Production of Documents Responsive to Class' Eighth Request for Production to Defendant Amoco [docket no. 395] filed June 28, 2002. The motion seeks an order directing Amoco to produce the materials sought in Request for Production Nos. 154 and 155.

Request for Production No. 154 reads as follows, to wit:

All documents reflecting in any manner Amoco's review of and subsequent determination to make adjustments in its settlements with its royalty and overriding royalty interest owners in the San Juan Basin "in the same manner as the federal government", including without limitation, all documents prepared for the purpose of obtaining management approval of same.

To this request, Amoco responded as follows, to wit:

The Amoco Defendants object to Request No. 154 on the grounds that it is not relevant to the issues in this case, is not reasonably calculated to lead to the discovery of admissible evidence and has been mooted by the Court's May 23, 2002 Memorandum Opinion and Order.

Request for Production No. 155 reads as follows, to wit:

All documents reflecting any communications between Conoco and either Tennaco or Amoco regarding the payment of private royalties and overriding royalties in "the same manner as the federal government".

To this request, Amoco responded as follows:

The Amoco Defendants object to Request No. 155 on the grounds that it is not relevant to the issues in this case, is not reasonably calculated to lead to the discovery of admissible evidence and has been mooted by the Court's May 23, 2002 Memorandum Opinion and Order.

I find that the materials sought may very well be relevant to issues in this case, and I do not agree that the requests have been mooted by my Memorandum Opinion and Order entered May 23, 2002.

WHEREFORE,

IT IS ORDERED that on or before August 23, 2002, the Amoco Defendants shall produce to Plaintiff the documents sought by Plaintiff in Request for Production Nos. 154 and 155.


UNITED STATES MAGISTRATE JUDGE